

Northumbria Research Link

Citation: Paterson, Elaine (2011) Design review in the UK: its role in town planning decision making. URBAN DESIGN International, 16 (2). pp. 94-104. ISSN 1357-5317

Published by: Palgrave Macmillan

URL: <http://dx.doi.org/10.1057/udi.2011.4> <<http://dx.doi.org/10.1057/udi.2011.4>>

This version was downloaded from Northumbria Research Link:
<http://nrl.northumbria.ac.uk/id/eprint/5877/>

Northumbria University has developed Northumbria Research Link (NRL) to enable users to access the University's research output. Copyright © and moral rights for items on NRL are retained by the individual author(s) and/or other copyright owners. Single copies of full items can be reproduced, displayed or performed, and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided the authors, title and full bibliographic details are given, as well as a hyperlink and/or URL to the original metadata page. The content must not be changed in any way. Full items must not be sold commercially in any format or medium without formal permission of the copyright holder. The full policy is available online: <http://nrl.northumbria.ac.uk/policies.html>

This document may differ from the final, published version of the research and has been made available online in accordance with publisher policies. To read and/or cite from the published version of the research, please visit the publisher's website (a subscription may be required.)



**Northumbria
University**
NEWCASTLE



UniversityLibrary

Design Review in the UK: its role in town planning decision making.

Author: Elaine Paterson BA, MA, MPhil, MRTPI University of Northumbria,
Newcastle Upon Tyne

Elaine Paterson

Senior Lecturer

School of the Built Environment, Northumbria University

Ellison Building, Ellison Place

Newcastle Upon Tyne NE1 8ST

elaine.paterson@northumbria.ac.uk 0191 227 4695

Abstract and Keywords

Abstract

Regional Design Review (Design Review) panels are becoming established nationwide in the UK as a means to help raise design quality of new development. The panels were initiated by the Commission for Architecture and the Built Environment (CABE) and the weight given to Design Review panel comments in planning decision making appears set to increase. No statute however, or even national policy, explains the role of the panels or their place in relation to other design guidance available to Local Planning Authorities and developers. This means that users may have difficulty using Design Review panel advice, accepting its legitimacy or according it appropriate weight in planning decision making.

Recent research by CABE (2009) indicates that Design Review panels provide a useful input to the planning decision making process, but this same research demonstrates that there are areas of concern, especially amongst planners.

The views of Regional Design Review panel members throughout the UK (mostly independent architects and planners) as well as user (local authority planner and developer) perceptions on possible improvements are examined in this research through semi structured interviews.

Possible approaches to clarifying the place of Design Review within urban design guidance governance, as well as ways in which Design Review panels might improve communication with users, are among the outcomes from this research.

Key words: design review, urban design, design assessment

Introduction

Design Review in the UK is intended to expand design expertise in the planning decision making process. It adds to a considerable body of urban design guidance available to planners attempting to control or influence development. The most significant aspect of Design Review versus other urban design guidance is, arguably, the direct advice it provides on individual major planning applications by design experts. It is a largely voluntary service with Design Review panel members appointed by government at the regional level. There are also some more local panels below the regional level but these are not the focus of this research as many are being replaced by the regional panels. Design Review panels are a non statutory consultee for major planning applications and masterplans. Although Design Review comments themselves are not statutory the Commission for Architecture and the Built Environment (CABE), the government's design advisory body, who initiated the Design Review process in England, does however have statutory power to conduct design reviews, as embodied in the Clean Neighbourhoods and Environment Act, 2005. Design Review comments can be a material consideration in determining planning applications but the weight of this consideration is legally less important than advice from a statutory body such as English Heritage, or advice contained in up to date adopted Development Plan policy (as in section 38 of the Planning and Compulsory Purchase Act, 2004). In practice, however, Design Review comments appear, from various studies (CABE, 2009; Amelio Consulting, 2008 and Design Commission for Wales, 2009), to be given considerable weight in planning decision making, although it is hard to compare the weight given to the various sources of advice as this is generally not closely monitored. CABE has raised the profile of urban design issues in planning considerably since its inception in 1999 and Design Review has the highest profile in this regard (Wilding, 2009). 71% of all panels have been established in the last 5 years (CABE, 2009).

CABE view the planning system as instrumental in helping to achieve better quality urban design but consider that there is a lack of design expertise in local planning authorities where most planning decisions are made. Research carried out by CABE shows that there are relatively few staff employed in local planning authorities with a specific qualification in Urban Design, Architecture or Landscape Architecture (CABE, 2003). This research did not, however, examine the nature of the qualifications held by planners which often includes some urban design training. There is also an implicit assumption that the amount of design advice available to local planning authorities is insufficient, or that local planning authorities are not able to interpret and apply it fully. This has been questioned by some local planning authorities who maintain that planners already have abundant design guidance and planners are trained to make urban design judgements based on available guidance and site observation (CABE, 2009). Most planners, however, agree that the principle of additional design expertise through Design Review is welcome. With local planning authorities being under-resourced in design and conservation staff, and the

average planner having a large workload, this view is not surprising. Ideally, in the longer term, the necessary expertise should perhaps be available in-house in local planning authorities.

The aim of this paper is to assess exactly how useful and rigorous Design Review is from a wider range of viewpoints than previous research, and what weight should be accorded to Design Review panels' views, in decisions on planning applications. Without some clarity on the place of Design Review in the wider governance of urban design in planning decisions there is likely to be some confusion at the least, and perhaps questions about the legitimacy of Design Review. This is especially so given the very large amount of urban design advice available which has prompted Murrain, P (2002) to comment "We are sinking under the weight of design guidance...". It is not the purpose of this paper to explain the nature of design control generally or to explain other sources of urban design information available to planners. Broadly, however, these other sources include national and local design guides and codes, the statutory development plan and input from various consultees.

The Design Review process is examined first, followed by a review of recent critiques and assessments, before the primary research relating to this study on the regional Design Review panels is explained and analysed. Finally some suggestions for improving Design Review as a process itself are considered, as well as suggestions for improving the wider urban design governance process within which Design Review sits.

It should be noted that there is a small body of American literature relating to Design Review, but much of this dates from the 1980s and 1990s and it appears to use Design Review in a wider sense than in the UK. Shirvani, H (1981) discusses American Design Review but it does not compare easily with UK design review today.

Scheer, B and Preiser, W (1994) highlight the problematic nature of Design Review in the US noting that it tends to encourage mediocrity, pastiche, mimicry and facadism. These criticisms have been made in the UK against design control generally but not against Design Review in particular. Indeed Design Review in the UK aims to avoid such criticism by confining panel membership to design experts only. Scheer and Preiser continue that Design Review involves interference by lay people and the reviewers lack skills. This latter point particularly indicates that Design Review is not being used in the same sense as in the UK as UK Design Reviewers are not lay people but experts. One point made by Scheer and Preiser does appear to accord with UK Design Review and that is Design Review lacks pre-established criteria for review, so impacting on rigour and consistency. Murrain, P (2002) alludes to this as well, in respect of the UK, stating that there is a need for better understanding of urban structure, form and building type in assessing design.

Punter, J (1994) covers design control in Europe. It is clear that European planning systems have less discretion and facility to negotiate at planning application stage compared to the UK. Hence much of the design control is embodied in the development plans and associated guides with less scope to depart from them or take on board substantial input on a case by case basis as in the UK. Design Review as it operates in the UK at case level would, therefore, be difficult to transpose to much of Europe. Punter, J (1999), comments that the role of government, as well as the level of detail in design intervention, varies within Europe. A greater level of intervention is generally found in the UK, but this does not necessarily result in a better outcome. The type of government intervention rather than the degree of intervention may be more important to outcome, as suggested by Deng, Z (2009). Deng, writing on DR in China, concludes that DR requires political support for intervention to be effective, and that a mechanism is needed to regularize planning negotiation on design issues.

Punter J (1996) acknowledges the difficulty of international comparisons in writing about design control in America and attempting to learn lessons for British practice. He goes on to consider themes that may have international relevance such as design principles and strategies but does not attempt to examine specifics. This paper on Design Review is trying to assess a very specific service, operating within a particular set of institutional and legal arrangements, as part of a wider design guidance scenario. International comparisons are not, therefore, attempted although there may be useful material within this paper from which some other countries could learn for the future, given favourable or comparable institutional arrangements.

Design Review as a service to local planning authorities and developers

Local design expert panels that advise local planning authorities have existed for several decades in some areas within the UK. The term Design Review, however, came into existence with the advent of CABI in 1999. CABI initially set up a national Design Review panel and since then CABI and the Regional Development Agencies have helped to set up regional panels in England as well as some specialist panels including an Olympics panel, Crossrail, Eco Towns, Schools and National Health Service. The specialist panels are usually funded by the organisations whose schemes are subject to the Design Review panel so bringing into question their independence. A Welsh panel is run by the Design Commission for Wales and a Design Review panel for Scotland is run by Architecture and Design Scotland. In Scotland there are also separate panels for Edinburgh and Glasgow. Northern Ireland carries out Design Review within a government advisory group but does not have a dedicated Design Review panel as for the rest of the UK. It should be noted, however, that it is not the intention of this paper to carry out a full

comparison of the different planning or Design Review arrangements within the UK. Rather key differences in Scotland and Wales will be highlighted including lessons for English Design Review.

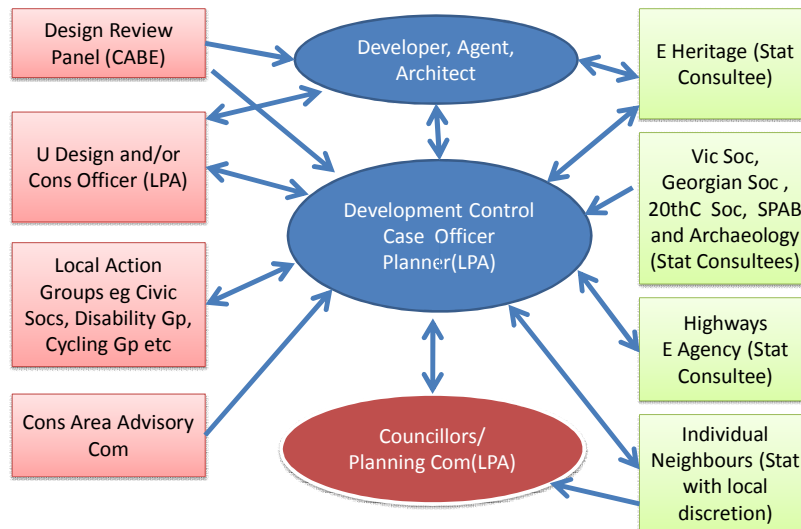
Design Review panels are comprised of various design professionals although many have a predominance of architects (CABE, 2009). Panel members are normally selected through a process of competitive bidding to the body designated to oversee the running of the panel. Panels have regular meetings where they review master plans, but more often they review development proposals usually at pre planning application stage and sometimes in the presence of the developer and/or architect and a representative from the local planning authority. The panel, or at least the panel chair, may visit the site in question.

Once the panel has made comments these can be used by the architect or the developer to amend a scheme before submitting to a local planning authority, or by the local planning authority to request amendments to the planning application. The comments are not, however, binding on any party. Above all the comments are used in negotiation between developers and planners (often via architects) and are not simply used to justify refusal or approval by the local planning authority.

Design Review comments are only one of many sources of urban design advice that might influence the planning decision. The place of the Design Review panel as a consultee and key player in urban design governance is set out below in Fig 1. This illustrates the main players in planning decision making positioned centrally, with the statutory consultees to the right and the non statutory consultees to the left. The development control planner is positioned at the centre, as a pivotal figure, as all the relevant information must be compiled and assessed at that point. The planning committee, however, often makes the final decision based on the development control planner advice. A one directional arrow indicates where advice comes from and who it is given to and a two directional arrow indicates there may be negotiation or two way communication. It should be noted that these relationships are not absolute but represent the most frequent lines of communication. Fig 1 does not illustrate the place of the various urban design policy documents as that is not within the scope of this paper. The work of Punter, J and Carmona, M (1997) in this respect is referred to under data analysis below.

Fig 1

Governance for design issues in major planning applications



Note: English Heritage equivalent in Scotland is Historic Scotland and in Wales it is Commission for Architecture and Design Wales. CABE equivalent in Scotland is Architecture and Design Scotland and in Wales it is Design Commission for Wales

The Impact of the Design Review Service

The most recent research on the operation and impact of Design Review has been carried out by CABE (2009). Also some regional panels including the Yorkshire and Humberside panel (2008) and the Welsh panel (2009) have carried out their own research. Edinburgh City Council produced a report on the Edinburgh Design Review panel in 2010 which revealed a different approach to England and Wales. There has also been some recent academic debate on the Design Review process and this is discussed below.

In 2009 CABE, The Royal Town Planning Institute, The Royal Institute of British Architects and the Landscape Institute commissioned the most extensive research on the Design Review process to date. Its aims were to address the shortcomings of Design Review, to increase the impact of Design Review and to ensure the panels are providing good quality design advice. An interview survey (CABE, 2008) of design review panels was heavily relied on as the main data source for the 2009 report, although the 2009 research involved further interviews with panel members and also planners this time. The research report states “the key measures of success are the extent to which a scheme is improved on the basis of the panel’s advice and whether the local planning authority has used the advice to approve or

refuse an application". However there is no systematic monitoring in place by any of the panels so these key measures of success could only be estimated.

Some of the key findings as set out in the CABA (2009) research include:

- 91% of local planning authorities felt there were benefits in involving design panels within the development management process
- The main perceived benefits were the panels' objectivity, independence, knowledge and expertise
- 9% of local planning authorities thought Design Review panels had a negative impact due to slowing the application process by a non statutory body with little local or contextual knowledge and sometimes poor expertise. Some felt there was sufficient in house expertise and panels did not take account of local planning policy
- 38% of local planning authorities thought Design Review panels had an influence compared with 80% of panel members, and this is perhaps more revealing of the relative perceived importance of Design Review panels.

There were other findings given less prominence in the CABA (2009) research, such as although most panels had aims and objectives these were very general and none appear to have agreed criteria against which to assess schemes. Such criteria might ensure consistency, fairness, transparency and ease of interpretation and it seems to be an omission that this was not examined other than briefly in relation to CABA's own "Building for Life (Building for Life)" criteria. 46% thought Building for Life influenced their comments although Building for Life was not used systematically as a checklist. Another allusion to some criteria in principle being used occurs in the discussion on report writing of Design Review comments: "comments need to be clearly based on design principles that have been established in legislation and guidance". But there is no discussion on what legislation or guidance is being referred to. Attempts to define "good design" and "good design review" are included but are very general and do not substitute for criteria against which to assess schemes. As Murrain. P (2002) indicates, criteria need to be based on sound understanding of urban structure, form and building type.

The CABA (2009) research does reveal that some improvements are needed and these are further investigated through the primary research for this paper. The suggested improvements arose mainly from local planning authority interviews. These include more transparency in how recommendations are arrived at, better communication with local planning authorities and developers, more recognition of local planning authority policy, better management of conflicts of interest, and a system of independent monitoring.

Integreat Yorkshire commissioned Amelio Consulting to undertake research on local design panels in Yorkshire and the Humber in 2008, just before the Regional panel

for the area was set up. This research involved in depth interviews with nine panel managers and structured interviews with a sample of the design panels' customers (developers and local planning authorities) plus four focus groups. The main findings included:

- The majority of panels' comments result in moderate or significant change to a scheme. This is despite a statement earlier in the Yorkshire research paper saying there are no monitoring systems in place and it is extremely hard to attribute changes in a scheme to one influence or another. Hence this finding is assumed to be an estimate by the interviewees.
- The Design Review process did appear to provide planning officers with greater confidence to reject poor design. Also from a developer viewpoint good design is often supported by Design Review and the comments assist in negotiating with planning officers.
- Improvements could be made by having better promotion of Design Review, improving training for all participants, achieving greater consistency between all panels and having robust monitoring.
- Design Review should be voluntary, not statutory, with positive encouragement to engage in the process.
- Design Review should be delivered in the context of a package of design enhancement tools including pre Design Review enabling (help with mechanisms that might lead to good design), post Design Review mentoring (help for those receiving Design Review comments with interpretation/resolution) and design awareness activities for non design experts in planning decision making.

These findings corroborate the CABE (2009) research to some extent, but for both the claims of significant changes to schemes as a result of Design Review can not be fully substantiated in the absence of a detailed monitoring system. The package of design enhancement tools referred to in the last point above appears ambitious and costly.

In 2010 CABE produced another document that discusses how Design Review is accessible to and helps local people choose good design. This document lacks evidence for its claim that Design Review is accessible to local people, especially as local people can not attend Design Review panel meetings. It also makes a more specific claim than in CABE (2009) regarding the improvement of schemes as a result of Design Review, stating that 70% of schemes going to Design Review panels are improved. Not only does this ignore possible other influences on improvement, but there is still no monitoring system to provide an evidence base for such claims. Hence anecdotal information is relied on.

The Welsh research (Design Commission for Wales, 2009) also suggested a training role for Design Review panels in the form of open advice surgeries, but the resource

implications are acknowledged. Again, similarly to the Yorkshire research more strategic interventions are suggested such that there is more ongoing influence on scheme development. These suggestions may be helpful given the resources, or they may in fact add to the complexity of an already complicated urban design governance situation to the detriment of accountability and clarity.

Other suggestions from the Welsh research include the need for systematic monitoring incorporating an annual tour of completed schemes that had been subject to Design Review, for reflection by all involved. Also clearer, less ambiguous Design Review reports was suggested.

The Edinburgh City Council report (2010) reveals that the Edinburgh panel already considers proposed urban design policy and uses the Council website to communicate the nature of Design Review. Another key difference in Edinburgh is that the panel is selected by relevant local organisations nominating members. This may be more representative and accountable than the English model but may involve compromise on securing the best expertise.

An insightful exchange of views on Design Review appeared in the journal "Town and Country Planning" August/September 2009. David Lock (a well respected planning consultant and a Design Review customer) began by comparing Design Review to the laudable traditional architectural "crit" (the tradition in schools of architecture of constructive criticism by a tutor or peer group). He then comments that "although the CABE package sounds good, it isn't. The design review is a dreadfully shallow process." He complains that Design Review panel members may have inappropriate expertise, are inadequately briefed and most are not familiar with the site in question, having not visited. Furthermore the rules of engagement, he points out, are not clear.

Richard Simmons, the chief executive of CABE, responded to Lock in the September 2009 edition of the same journal stating "CABE is the public's guardian of good design", appearing to give CABE an unquestionably high status. Simmons insists panel members are well briefed although the primary research for this paper does indicate there may be a problem here. Simmons also states that 70% of schemes considered by Design Review panels have been improved with panel advice, but it is clear from the research discussed above that the monitoring systems are insufficient to be able to conclude so exactly. There was no subsequent discussion about how the rules of engagement by Design Review panels could be improved so an opportunity was missed to have a constructive dialogue that might lead to better mutual understanding and a better Design Review service, with a greater appreciation of the place of Design Review within the wider urban design guidance.

A perspective from a development control planner on the decline of specialist design staff in local planning authorities, and how planning decision making should encompass urban design, has a different focus to that of CABE and does not appear

to view Design Review as a key tool (Hagyard, 2009). Hagyard is acutely aware of the need to reinvigorate the design emphasis of planning. He calls for having urban design as a core skill for planners and he questions whether urban design guidance is robust enough. He also stresses the importance of high level support within local planning authorities on design issues, and sending clear messages to developers at an early stage as to what the local planning authority expects. Developers frequently do not employ sufficient design skills and he believes it should be compulsory to have a qualified architect on all major schemes. He mentions design panels briefly but clearly sees the key players as developers and his/her own design advisor as well as the development control case officer. The implication is that both of the key parties should be well enough trained in design, there should be more high level design posts in local planning authorities and the design guidance should be clearer, so that Design Review panels and other advisors may be less necessary. This appears more efficient in terms of governance and communication but may not be realistic in the foreseeable future.

The Primary Research Method

Given that previous research on Design Review has not been fully independent, but mostly commissioned by the bodies running Design Review panels, it is hoped that this research will offer a more independent view, and will explore the developer perspective as well as the local planning authority and Design Review panel perspective. The developer perspective was not included in the CABE (2009) research, nor was any reference to Design Review in Scotland or Wales. So this paper includes additional dimensions.

The Design Review panel sample for interview included the nine regional Design Review panels in England, the CABE national panel, the London Olympics panel, the Welsh and Scottish panels, so covering a wider geographical spread than the CABE research. The regional level was considered appropriate rather than the local level as the regional level presents a manageable volume of interviews for in depth questioning, and the regional level has recently become more formalised as the recognised level for referral of significant schemes.

A representative of each of the 13 panels was interviewed by telephone, and through a chaining process (panel member suggestions, as well as examining design reviews and parties involved through the CABE website) a local planning authority planner and a developer who had been subject to Design Review by each of these panels was also interviewed by telephone. A total of 33 interviews were carried out (13 panel members, 11 planners and 9 developers or their agents). The response rate was high with 85% of the sample selected responding.

The interviews were semi structured with the panel interviews being more structured than the others as they aimed to gather a greater proportion of factual information on the operation of the panels, whilst also seeking opinions on how the process may be improved. The planner and developer interviews were more in depth and qualitative as more probing was used to elicit opinions as customers/users of the service, as well as opinions on the links between Design Review and wider design guidance and policy.

The questions were grouped around seven categories for all respondents:

- the way in which the panel members are selected
- how the schemes being considered by panels were selected and at what stage of the development process
- the role of the panel and key player perceptions of this, including the role of panel comments in relation to other urban design advice from consultees or policy documentation
- the significance and influence of the panel comments mainly in terms of amendments to schemes emerging as a result of panel comments
- potential problems with the panel operation and how to overcome these including accountability, conflicts of interest and lack of criteria used by panels
- the relative weight to accord the panel's comments in the planning process, given the large amount of urban design advice available

Data Analysis

The data was analysed manually as the sample size allowed for this and the data was largely qualitative in nature. Frequency of the same or similar responses was recorded in order to establish whether there was a majority view on the main areas of questioning. Also innovative suggestions were noted even if by a minority. There was a rich body of data emerging from the planner and developer interviews, in particular on suggestions for improving the Design Review panel operation and also suggestions for re-assessing the way the panel comments are used alongside the large volume of other urban design guidance and policy. These suggestions were listed and grouped according to topic and again frequency of mention. Finally a critique of the suggestions made by interviewees is put forward making reference to relevant literature. Some of the suggestions made by interviewees appear in the conclusions as part of the way forward. The author used judgement in selecting use of suggestions in this way, according to whether they were either a majority opinion or innovative, as well as appropriate in relation to current knowledge of the topic.

Common points emerging from respondents supporting the Design Review process:

The majority of all interviewees thought Design Review comments had a significant influence on the evolution of the design of a major development scheme. The majority of schemes considered by panels were amended as a result of Design Review panel comments, either through direct discussion with developers at pre-application stage (most common), or through the local planning authority asking for amendments post submission of an application. As information on amendments attributed to Design Review is not recorded it was not possible to obtain quantitative data on this point.

The panel composition is usually mostly architects with some allied professionals. Most respondents considered the selection process to be fair (often through open advertising), but a minority (mostly planners) considered there was an insufficient balance of interests/professions on the panels. This is likely to derive from the historical tension or power balance relationship between architects and planners, reflected in different views on how urban design issues should be considered.

All respondents (except one developer) thought the Design Review panels were useful, although for different reasons. Some panel members felt they filled a skills gap in local planning authorities, and developers frequently considered that the panel comments helped them back their ideas when negotiating with the local planning authority (they viewed the architect dominance of panels to be an advantage here). Planners commented that panel comments could help justify refusal of planning permission and helped increase planning officer confidence and training.

Common points emerging from respondents critical of Design Review panels

Most respondents considered that the role of the panels was not as clear as it could be to the key players and the public. Most also felt that the way schemes are selected for consideration by a Design Review panel was lacking in clarity. Although most panels sent at least one member to visit the site under consideration, most felt that more thorough site visits involving more members and provision of better briefing was needed. Better communication is needed according to most, especially between panels and local planning authorities, on comments generated at pre-application stage so that the local planning authority is familiar with panel advice to potential applicants before undertaking pre-application discussions. Councillors and the public need more information about the Design Review role: one respondent suggested use of a video. The Edinburgh panel is chaired by the local planning authority so facilitating communication, although this might compromise the independence of the panel.

Planners more frequently raised some fundamental concerns about the nature of the panel assessment: The lack of criteria used to perform assessments against, the lack of structure or relation to local or even national planning policy and lack of understanding of the planning system were all mentioned. This appears to link with the contention that few planners are included on Design Review panels or that they are certainly a minority. One planner referred to “too many cooks” giving design advice and the difficulty of resolving this (especially where both English Heritage and CABE are involved). Another referred to the panel having a very wide interpretation of design in the planning context which might extend to internal issues and general sustainability issues.

Both developers and planners appear concerned that there can be conflicts within the panel (minimised if there is a strong chair), and between different sittings of the panels with different panel members if a scheme is returned to the panel at a later date for some reason. Perhaps surprisingly accountability and conflicts of interest (perhaps with panel members knowing an applicant) were not noted as particular problems. Most thought that panels did not need to be accountable as their independence is their strength or that they were already accountable through being publicly funded by the Regional Development Agencies. All thought formal monitoring of Design Review impact is needed, and some suggested this might be done through planning officer case reports and/or annual reviews of a sample of cases. Panel members were least critical of the Design Review process, not surprisingly, as they have the greatest vested interest in the panels.

Points emerging as suggestions for improvements

Some of the following suggestions corroborate with the literature and others go further.

Probing on use of criteria against which panels could assess schemes gave rise to various suggested criteria, but the Building for Life criteria (CABE, 2005) was mentioned most frequently. A small minority of panels and local planning authorities use Building for Life criteria already, but the majority of panels use no criteria preferring to rely on the value of experience alone. Although Building for Life criteria are used only for housing schemes at present they could be applied, in modified form, to all development as they are quite general in nature.

One suggestion to assist communication was to require incorporation of Design Review comments in the Design and Access Statement submitted with the planning application. Submission of a Design and Access Statement with most planning applications has been a legal requirement since 2006 (Paterson, 2009).

Another suggestion relates to the communication between some key consultees, particularly English Heritage and CABE, and the resolution of their differences. This

might be helped by merging them as one body, at least for the purpose of being a statutory consultee on design and conservation but not necessarily a complete merger for all purposes. The feasibility of this approach is indicated through some joint publications, for example guidance on high buildings (English Heritage/CABE, 2007).

As a way to help link the Design Review process with local design policy formulation, and facilitate panel members understanding of the planning system they work within, a specific additional function of Design Review panels would be to input to new or amended local planning authority policy on urban design (as Edinburgh already does).

A more fundamental and far reaching suggestion relates to conceiving of a system or route map to enable the whole plethora of urban design guidance and advice from various bodies (including Design Review) to be more readily understood and user friendly. The use of a dedicated website such as www.rudi.net, a comprehensive and widely used urban design website, was suggested as a vehicle that might achieve this end as it could be constantly updated with ease. Another suggestion was a Planning Policy Statement dedicated to urban design that would bring together references to urban design in various existing Planning Policy Statements and other documents at national level. An urban design PPS could also capture what is available at local level in terms of types of relevant documents, noting their weight or status.

Punter, J and Carmona, M (1997) proposed a typology of urban design policy noting the varying degrees of specificity in policy levels: this could usefully form a part of an urban design route map. It did not cover urban design advice from consultee bodies and how this is processed: this is considered in more detail in the following section.

Some critical thoughts on the interviewees' suggestions for improvements

The Building for Life criteria are widely known about and accepted but they are non statutory and very general, so in that sense not the obvious candidate for the most important criteria in assessing design through planning. Building for Life does not use some of the most well recognised urban design language such as "permeability" or "legibility", although it alludes to these concepts. Some Building for Life criteria do not even appear to be within the remit of planning such as use of advanced technology, interior design and reference to the Building Regulations. Nevertheless, according to one local planning authority interviewee in this study, the government department of Communities and Local Government appear to be making adoption of Building for Life as local policy a condition of grant funding to local planning authorities for certain regeneration schemes. Perhaps a further study of a greater

range of possible criteria might be appropriate before recommending any one set of criteria. The suggestion of formally using Building for Life (expanded beyond the current application to housing schemes only) in Design Review does, however, move the debate on further as there has been no documented discussion relating to use of criteria in Design Review thus far.

Design Review comments in Design and Access Statements might help but would still not address the communication gap between Design Review panels and local planning authorities prior to a planning application being submitted (as the Design and Access Statement is submitted with the application). Although the suggested link with Design and Access Statements could be applied, it might also be necessary to have the panel give the local planning authority all comments as they arise (even if the developer wishes a scheme to remain confidential at an early stage), so the local planning authority is fully informed when conducting any pre-application discussions with potential applicants.

An English Heritage/CABE merger would in theory be helpful for planning officers and developers as a simplification step, but in practice there would be several barriers. Each organisation would claim they represent unique territory although both have urban design within their remit, albeit English Heritage is confined to the historic environment. CABE, however, can and does cover historic areas in Design Review and in other ways. There is likely to be cultural and political opposition to a merger as English Heritage is more reserved when it comes, for example, to modern design within historic contexts than CABE. On the positive side the two bodies have worked jointly on tall buildings guidance (English Heritage/CABE, 2007) and mergers can free up more resources to address new initiatives and force a re-examination of values, aims and objectives. As alluded to earlier, a merger just as a joint statutory consultee on major planning applications might be more realistic.

Linking Design Review with local policy formulation would have many benefits for the Design Review process but might slow down policy making further. If the role was limited to a one off consultation on any emerging policy or even to suggesting new policy areas, with the planning officers being responsible for developing ideas further, this might present a workable proposal.

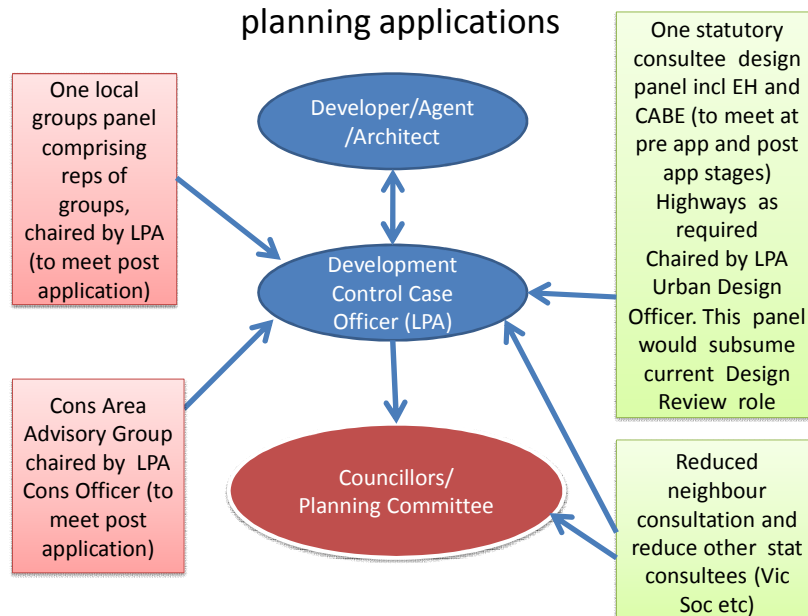
A dedicated Planning Policy Statement on urban design might carry more weight than use of a website as a means to provide an urban design route map, although a web site could be used in a supporting role with the advantage of being simple to update. Most key players could benefit from this by clarifying the extent and relative importance of the full range of urban design guidance available (through policy or consultees). A flow chart or similar may be incorporated for ease of illustration. Notice of cancellation of out of date or little used guidance could be made known this way too.

The suggestion arising on a route map might be applied in a proposed scenario to show the place of the Design Review panel subsumed as a joint statutory consultee in urban design governance. This is set out below in Fig 2 and should be contrasted with Fig 1. The proposed scenario would see a single *statutory* panel on design, including English Heritage, CABE and various design experts. The design experts would be appointed by government as for Design Review panels in England at present, and/or selected by local organisations as in Scotland. The latter may be more representative. It would be chaired by the local planning authority to facilitate communication and consensus (again as Design Review panels are in Scotland). It would give Design Review more legitimate weight, given the statutory status, as well as helping to forge a resolution of any differences that might arise between the panel members. There would be more negotiation between the players within panels before giving advice to the case officer. Consequently there would be less negotiation focussing on the case officer making that role more manageable and helping speed of decision making. The democratic element should not be compromised as all the current players would still have a role, albeit reduced for some. Reduced neighbour consultation in particular is likely to be controversial within a political agenda championing localism. But given that neighbour consultation is already extensive, to the point of being unmanageable at times, the imperative to reduce complexity is compelling.

The Urban Design Alliance, a network for all professionals involved in urban design, has recently examined skill levels and capacity (UDAL, 2009) in urban design. This organisation may be an appropriate vehicle to help develop a route map further. The Royal Town Planning Institute urban design network is another potential vehicle for debating the way forward on this issue.

Fig 2

A possible new governance for design issues in major planning applications



Note: Fig 2 is based on suggestions for improvement from interviewees. It intends a simpler, more transparent system likely to be speedier and better understood. Fewer individuals may be involved but representativeness is not decreased so not adversely affecting democracy.

Conclusion

Design Review is becoming increasingly influential in shaping the design of major new development. This influence is mainly at the pre-planning application stage, but continues throughout the application process.

Design Review fits well within the discretionary British planning system that allows for considerable judgement, negotiation and third party involvement around the point of decision making. Other, particularly European planning systems, with an even stronger emphasis on the supremacy of the development plan compared to the UK, and less discretionary by nature, are unlikely to accommodate such an approach so easily. At the least, further research is required to examine the extent that lessons could be transposed.

The scope for judgement by planning officers and third party involvement maximises the democratic dimension of planning but militates against speed, and perhaps consistency, of decision making. It also masks the process of competing vested interests (Biddulph, M, 2006). The *extent* of third party involvement is controversial in this context. An effective balance of speed and democracy is at the heart of sound governance but is politically hard to achieve. Fig 2 attempts to address this, and goes some way to addressing the point made by Deng, Z (2009) regarding the need for a mechanism to regularize planning negotiation.

Design Review represents a third party involvement with, it appears, a remit that is not well enough defined and this in itself could compromise speed as well as democracy. To extend the Design Review remit further into training, enabling, policy development and mentoring as has been suggested by some, could possibly benefit quality of outcome but at the expense of speed of decision making.

To address the lack of clarity on the Design Review remit the literature and primary research has given rise to suggestions. These suggestions include the use of some recognised urban design criteria, e.g. Building for Life, by Design Review panels when assessing schemes. In addition better briefing of panel members about the scheme in question, and the planning system as a whole, as well as a clearer role for Design Review in relation to other urban design advice has been suggested. There is a clear consensus on the need to monitor Design Review impact although further research is required to determine an appropriate method. Clearer, more balanced, statutory design panels would address many of the criticisms of the CABE model for

panels, especially relating to communication and justice. Ultimately the approach on this issue is likely to be a political judgement.

Alternatively, in the longer term, if skills within local planning authorities were improved, the guidance was streamlined or set within a route map, and there were more high level design staff in local planning authorities the need for Design Review might reduce. This would simplify further and perhaps improve the planning decision making process.

In the meantime CABI, the Design Commission for Wales and Architecture and Design Scotland are certainly raising the profile of urban design issues through Design Review. At the present time the existence of Design Review, with some significant modifications as suggested in this paper, appears useful overall.